IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Bail Appl..No. 6011 of 2007(T)

CRIME NO. 720/2007 OF PALARIVATTOM POLICE STATION

PETITIONERS

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1. T.R.PADMADAS, AGED 28,
S/O. T.A.RAMACHANDRAN, THAYYIL HOUSE,
NORTH JANATHA ROAD, MAMANGALAM, EDAPPALLY SOUTH
VILLAGE, KANAYANNUR TALUK, ERNAKULAM DISTRICT.

2. MRS. ISHA RAMACHANDRAN, AGED 53,
W/O. T.A.RAMACHANDRAN, THAYYIL HOUSE,
NORTH JANATHA ROAD, MAMANGALAM, EDAPPALLY SOUTH
VILLAGE, KANAYANNUR TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.T.G.LELLULAL

RESPONDENTS:

THE SUB INSPECTOR OF POLICE,
PALARIVATTOM, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6011 of 2007

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Dated this the 4th day of October, 2007

ORDER

Application for anticipatory bail. The petitioners are husband and mother- in -law of the de facto complainant. The marriage took place on 26.6.06. The couple are not blessed with any children. The learned counsel for the petitioners submits that there is some strain in the matrimony. The crime has been registered on the basis of the complaint of the wife of the 1st petitioner. It is alleged that the petitioners are guilty of matrimonial cruelty of the culpable variety against the de facto complainant.

2. The learned counsel for the petitioners submits that fanciful , incorrect and exaggerated allegations have been raised merely because of the strain in the matrimonial tie. It is prayed that the petitioners may be spared of the undeserved trauma of arrest and detention.

3. The learned Public Prosecutor does not raise objections against grant for anticipatory bail. I am satisfied that anticipatory bail can, in these circumstances, be granted. In coming to the conclusion, I take note of the fact that the arrest and incarceration of the petitioners is likely to mar the matrimonial tie beyond repair. Appropriate conditions can of course be imposed in the interests of a

fair, efficient and proper investigation.

4. In the result, this application is allowed. The following directions were issued under Section 438 Cr.P.C.:-

i) The petitioners shall appear before the Learned Magistrate having jurisdiction at 11 a.m on 10.10.2007.

ii) They shall be enlarged on regular bail on their executing a bond for Rs.25,000/-(Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m. and 3 p.m on 11.10.07 and 12.10.07 and thereafter they shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of two months and thereafter as and when directed by the Investigating Officer, in writing to do so.

iv) If the petitioners do not surrender before the learned Magistrate as directed in clause (i), all directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with them in accordance with law.

v) if the petitioners were arrested prior to their surrender on

10.10.07 to the learned Magistrate as directed in clause (i) above, they shall be released forthwith on their executing a bond of Rs.25,000/-(Rupees Twenty five thousand only) without any sureties undertaking to appear before the learned Magistrate on 10.10.07 as directed in clause(i) above.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE